

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT
AND ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Jack J. CARSON

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1726

Jack J. CARSON

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 4 August 1967, an Examiner of the United States Coast Guard at Baltimore, Md., suspended Appellant's seaman's documents for six months outright plus nine months on twelve months' probation upon finding him guilty of misconduct. The specification found proved allege that while serving as a maintenance man on board SS AFRICAN STAR under authority of the document above captioned on or about 14 and 15 March 1967, Appellant wrongfully absented himself from the vessel at Kwajalein, Marshall Islands.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and each specification.

The Investigating Officer introduced in evidence voyage records of AFRICAN STAR.

In defense, Appellant offered in evidence his own testimony.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specifications had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of six months outright plus nine months on twelve months' probation.

The entire decision was served on 8 August 1967. Appeal was timely filed on 12 August 1967. Requested transcript of proceedings was delivered to Appellant on 28 February 1968, but no further grounds for appeal have been stated.

FINDINGS OF FACT

On 14 and 15 March 1967, Appellant was serving as a

maintenance man on board SS AFRICAN STAR and acting under authority of his document while the ship was at Kwajalein, Marshall Islands.

At 1300 on 14 March 1967, Having been denied the afternoon off by the mate, Appellant left the ship without authority and worked no more that day. The next morning he left the ship without authority at 0800 and did not work at all.

APPEARANCE: Appellant, pro se.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that there were mitigating circumstances for Appellant's absences from the ship. It is also stated that he has a family to support, he has no other way of making a living, and that the suspension is excessive.

OPINION

I

Appellant says that "family worries" justified his taking off at Kwajalein. This excuse was not offered in extenuation after his pleas of guilty at the hearing, nor is it persuasive on appeal.

II

The order here is not excessive. The outright suspension ordered by the Examiner was no more than what was made mandatory by Appellant's violation of probation previously ordered. The remainder of the order is appropriate because the hearing in this case was the fifth action against Appellant under R.S. 4450 in ten years.

ORDER

The order of the Examiner dated at Baltimore, Md., on 4 August 1967, is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

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Absence from vessel

Not justified by "family worries"

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